

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RANDY RICH, etc., *et al.*,

Plaintiff,

vs.

TASER INTERNATIONAL, INC., etc.,

Defendant,

2:09-cv-2450-ECR-RJJ

O R D E R

On November 11, 2011, the court granted the Defendant Taser International, Inc.'s Motion to Quash (#61) and granted in part its Motion to Compel (#94). Where the court did not grant the Motion to Compel, it declared one set of Requests for Admission was deemed admitted. Subsequently, Taser filed a Motion for Attorney Fees (#102) pursuant to Fed. R. Civ. P 37. Taser seeks the reasonable expenses, including attorney's fees, caused by Plaintiffs' failure to participate in discovery in accordance with the Federal Rules of Civil Procedure. The Court has reviewed the Motion (#102), Plaintiffs' Response (#103), Defendant's Reply, as well as hearing the argument and presentation of counsel at a hearing on this matter on January 6, 2012. Minutes of Proceedings (#107).

The Plaintiffs' failure to provide discovery and to comply with the Federal Rules of Civil Procedure, particularly regarding the discovery subject to the Motion to Quash (#61), was not substantially justified. It is also apparent that no other circumstances make an award of expenses unjust.

The hourly rates charged by Taser's counsel from Indianapolis, Indiana, [\$445, \$345 & \$340 / hour for partners; and \$295, \$275 & \$155 / hour for associates] are substantially higher

